IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 16546 of 2004

Between:

B.Appa Rao,

S/o.Boraiah,
Staff E.No.455130,

R.T.C. Depot, Anakapally,

Visakhapatnam Dist.

..... PETITIONER

AND

1. The Depot Manager,

   PASRTC, Anakapally,

   Visk. Dist.

2 The Secretary,

   APSRTC,

   Staff Retirement Benefit Scheme,

   Musheerabad, Hyderabad.

3 Yerramsetti Gangaraju,

   C/o.Yerramsetti Gurramma,

Anakapally Garage,

R.T.C.Depot, Anakapally,
Visakhapatnam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the action of the respondents in effecting recovery of a sum of Rs.695/- per month from the salary of the petitioner with effect from 1-7-1998 towards left over House building Advance availed by the 3rd respondent without any authority of law on the basis of correspondence between the respondents vide Lr. No.F4/SHBA/97, dated 4-7-1998 (not communicated to the petitioner) readwith Lr.No.F1/SHBA (1048)/2003/SRBS, dated: 3-9-2003 issued by the 2nd respondent in the absence of Decree is as illegal, arbitrary, unauthorised and void and oppoed to all principles of natural justice, equity and fair play and also without any due process of law and consequently hold that the petitioner is entitled for refund of the amount recovered from the salary of the petitioner and pass.

Counsel for the Petitioner: MR.D.LINGA RAO

Counsel for the Respondents: KUM.B.G.UMA DEVI

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 16546 of 2004

ORDER:

For challenging the proceedings dated 03-09-2003, issued by the 2nd respondent, for effecting the recovery of the amount from the salary of the petitioner, the present writ petition has been filed.

2. Admittedly, the petitioner is a surety for one Y.Gangaraju who obtained a loan for the purpose of construction of the house. As per the agreement, the sureties are also jointly and severally liable to repay the loan amount. Therefore, the impugned proceedings have been passed.

3 . The impugned proceedings do not suffer from any incurable legal infirmities so as to call for interference by this Court. Hence, the impugned proceedings cannot be quashed.

4. The writ petition is totally devoid of merit and accordingly it is dismissed at the stage of admission. No costs.

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December 8, 2004

Kvr

TO

1. The Depot Manager,
   PASRTC, Anakapally,
   Visk. Dist.

2 The Secretary,
   APSRTC,
   Staff Retirement Benefit Scheme,
   Musheerabad, Hyderabad.

3 Two C.D. Copies.